

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

LYONDELL CHEMICAL COMPANY, et al.,

Debtors.

Chapter 11

Case No. 09-10023 (CGM)

(Jointly Administered)

EDWARD S. WEISFELNER, AS TRUSTEE OF
THE LB CREDITOR TRUST,

Plaintiff,

Adv. Pro. No. 10-04609 (MG)

V₁

FUND 1, et al.,

Defendants.

EDWARD S. WEISFELNER, AS TRUSTEE OF
THE LB CREDITOR TRUST,

Plaintiff,

V

Adv. Pro. No. 12-01570 (MG)

STUART REICHMAN, et al.,

Defendants.

ORDER DISMISSING ADVERSARY PROCEEDINGS WITH PREJUDICE

Upon the Shareholder Defendants' Motion to Dismiss filed on August 18, 2017

[*Weisfelner v. Fund 1*, Adv. Pro. No. 10-04609 (“*Fund 1*”) Dkt. No. 2499 and *Weisfelner v. Reichman*, Adv. Pro. No. 12-01570 (“*Reichman*”) Dkt. No. 138] (the “Motion to Dismiss”); the numerous joinders thereto, including by certain defendants who have filed answers to the *Fund 1* Second Amended Complaint; the Notices of Dismissal, filed by Edward S. Weisfelner, as Trustee of the LB Creditor Trust (the “Trustee”), on August 18, 2017 [*Fund 1* Dkt. No. 2498 and *Reichman* Dkt. No. 136]; the Notice of Withdrawal of Request for Class Relief, dated August 18,

2017, filed by the Trustee in *Reichman* [Dkt. No. 137]; the Letter to this Court, dated August 21, 2017, filed by the Trustee [*Fund 1* Dkt. No. 2517 and *Reichman* Dkt. No. 143]; and with the consent of the Trustee as stated on the record at the August 22, 2017 hearing on the Motion to Dismiss in the *Weisfelner v. Hofmann, et al.* adversary proceeding (Adv. Pro. No. 10-05525):

IT IS HEREBY ORDERED, to the extent not otherwise already dismissed with prejudice, the above-captioned adversary proceedings are hereby dismissed with prejudice in their entirety, as against all defendants as well as unnamed members of the putative defendant class in *Reichman* and, including, without limitation, with respect to the fraudulent transfer claims asserted therein; and it is further

ORDERED that, having been advised of the consent of the Trustee, the Court does not find it necessary to resolve any other proposition of fact or law in the course of ordering such dismissal; and it is further

ORDERED that without limiting the foregoing with respect to the above-captioned adversary proceedings and the claims asserted therein, this Order is without prejudice to all rights and contentions of fact or law, or otherwise, of the Trustee in connection with his appeal in *Weisfelner v. Blavatnik, et al.*, No. 17-cv-4375 (S.D.N.Y.) (on appeal from Adv. Pro. No. 09-01375 (Bankr. S.D.N.Y.)) (the “Blavatnik Appeal”) and shall not be construed to preclude, bind, estop, or otherwise affect the Trustee’s ability to assert any contention of fact or law in connection with the Blavatnik Appeal; and it is further

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ORDERED that each party shall bear its own costs.

IT IS SO ORDERED.

Dated: September 5, 2017
New York, New York

/s/ Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge